

REMARKS

Applicant has carefully reviewed the Final Office Action mailed February 23, 2006 and offers the following remarks to accompany the above amendments.

Claims 1, 3-5, 7, 10, 12, and 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,986,782 to Alexander et al. (hereinafter "Alexander"). Applicant respectfully traverses.

In response to the Examiner's suggestion, Applicant has amended the two independent claims of the present case, claims 1 and 12, to clarify the meaning of "subset of optical signals" to be comprised of more than one individual wavelength (Final Office Action mailed February 23, 2006, p. 6). Thus, the claimed invention passes a subset of optical signals comprised of more than one individual wavelength through the wavelength select switch. This was the meaning of "subset of optical signals" before the present amendment, as discussed by Applicant in its previous response. Support for this amendment can be found in the Specification on page 4, lines 11-13. This amendment is being made solely to clarify this supported meaning. Thus, no new issues are raised by this amendment, and a new search is not required.

As previously discussed by Applicant, the wavelength selecting device 54 of Alexander outputs individual optical signals at different wavelengths. (Alexander, col. 2, ll. 2-65). The wavelength selecting device 54 does not output groups, or subsets, of optical signals comprised of more than one individual wavelength. Each of the individual output signals in Alexander are provided to a different power meter 56 or provided to a common power meter at different times. Nowhere is there an indication that a group, or subset, of optical signals is sent to the power meter for measuring the power associated with the entire group, or subset, of optical signals. Thus, the claimed invention is not disclosed, taught, or suggested by Alexander, and this rejection must be withdrawn.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Alexander in view of U.S. Patent No. 6,873,795 B1 to Sugaya (hereinafter "Sugaya"). Applicant respectfully traverses. Claim 11 further defines independent claim 1, and Sugaya fails to remedy the deficiencies of Alexander with regard to measuring the power associated with a subset of optical signals. As such, claim 11 defines patentable subject matter. Thus, this rejection must be withdrawn.

Each of the pending claims is now in condition for allowance, and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative if any issues remain in an effort to expedite allowance of issue.

Respectfully submitted,

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